



**NEPENTHE ASSOCIATION
BOARD OF DIRECTORS MEETING**

July 1, 2020, 5:30 PM

Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

WELCOME

Thank you for attending. This is a business meeting, open to members of the Nepenthe Association and guests of the Board. The primary purpose of the meeting is to ensure that the Association is meeting its responsibility to maintain the property and to serve homeowners.

Two three-ring binders with supporting documentation for agenda items are available in the room for homeowner use. Please share them. The packets are always available in the office at least four days prior to Board meetings.

Please silence all electronic devices. These proceedings may be recorded to assist with the preparation of minutes. The Board appreciates your cooperation.

As the Board moves through the agenda, members may comment or ask questions about any agenda item during the two homeowner comment opportunities. All homeowners that wish to address the Board must first submit a Request to Speak Form. Please address all comments or questions to the chair. The Board will be unable to accept comments or questions from the floor during its deliberations.

OPEN SESSION AGENDA

I. CALL TO ORDER

Present	Board Member	Position
	Christina George	President
	Linda Cook	Director
	Will Vizzard	Treasurer
	Greg Beale	Member at Large
	Mary Gray	Director

II. ANNOUNCEMENTS

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on June 15, 2020 and July 1, 2020 to consider legal matters, member discipline, personnel and contract formation.

III. COMMITTEE REPORTS

- a. Architectural Review CommitteePages 6-7
- b. Finance Committee (no report)

- c. Grounds Committee (no report)
- d. Insurance, Legal and Safety Committee (no report)
- e. Outreach Committee (no report)

IV. MANAGEMENT REPORT

- a. Manager’s Financial Report - Reserve Tracker..... Page 8
- b. Management Operations Report.....Pages 9-13

V. HOMEOWNER CORRESPONDENCE..... Pages 14-15

VI. HOMEOWNER COMMENTS

In accordance with California Civil Code Section 4920(a), the Association must post or distribute the agenda for Regular Session Meetings no fewer than four (4) days prior to a Regular Session Meeting. During Homeowner Forum, items not included on the agenda that are raised by homeowners may be briefly responded to by the Board and/or Management; however, no action may occur with respect to that item unless it is deemed an emergency by the Board of Directors and developed after the agenda was posted and/or distributed. The Board of Directors may refer informational matters and direct administrative tasks to Management and/or contractors. Each homeowner will be given three (3) to five (5) minutes to speak in accordance with the Open Meeting Act, California Civil Code 4925(b), or a total of twenty (20) minutes will be granted for all to address the Board of Directors regarding items of interest or concern.

VII. CONSENT CALENDAR

In an effort to expedite the Board meetings, Management has placed several business items on a Consent Calendar. Please review the items prior to the meeting so that you may have your questions answered in advance.

Action required: Board Resolution.

Proposed Resolution: The Board approves Consent Calendar Items A to D as presented.

Begin Consent Calendar

- a. **Approval of Minutes May 27, 2020 Open Session Minutes Pages 16-20**

Proposed Resolution: The Open Session minutes dated May 27, 2020 are approved as presented.

- b. **Financial Statement: May 2020 Separate Packets**

Proposed Resolution: The Board accepts the May 2020 interim financial reports and bank reconciliations as presented, subject to annual review.

The reports reflect a negative year to date variance of \$101,110 and reserve funding of \$1,024,589 compared to the reserve funding budget of \$908,115. The Association has \$310,047 in operating funds, which represents less than one month of budgeted expenses and reserve contributions. The Association has \$9,134,340 in reserve funds.

- c. **Lien Resolution.....Page 21**
 Per the enclosed Resolution, Management is requesting authorization to place liens on the following accounts should the delinquent assessments not be paid within the time period established in the Intent-to-Lien letter.

Account Number	Past Due Amount
1946-01	\$1,557
2228-01	\$1,557

- d. **Architectural ApplicationsSeparate Packet**
 The Board confirms the recommendations of the committee as noted below.

	Address	Application for	Recommendation
1	2267 Swarthmore	Light fixture (Homeowner has withdrawn application)	Approval
2	1170 Vanderbilt	Awning	Approval
3	1121 Commons	Sliding Door Replacement	Approval
4	509 Dunbarton	HVAC Replacement	Emergency Approval

End Consent Calendar

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

- a. **Appoint Committees**

The homeowners listed below have submitted their applications for appointment to the referenced committees. All of them have agreed to abide by Nepenthe’s Conflict of Interest Policy and are homeowners in good standing.

1. Architectural Review Committee

Jenny Smith – Chair
 Alan Watters
 Kenneth Luttrell
 Lee Blachowicz
 Steve Farrar
 Jan Summers
 Diane Vanderpot

2. Finance Committee

Susan Timmer
 Aubrey Lara

3. Grounds Committee

Steve Huffman – Chair

Diane Durawa
Diane Luttrell
Elizabeth Tafoya
Joleen Hecht
Kathy Waugh
Kay Chmielewski
Yvonne Del Biaggio
Solveig Toft
Joan Trotta
Don Landsittel
Markus Dascher
Helga Dicker

**4. Insurance, Legal and Safety Committee
(Standards and Practices for Insurance Awaiting Board approval)**

Nancy Arndorfer – Chair
Jerry Dunn
William Olmsted
Peter Lewicki

5. Election Committee

Joleen Hecht
Yvonne Del Biaggio
Kay Chmielewski

6. Outreach Committee

Karen Van Maren
Cheryl Nelson
Jan Beale
William Olmsted
Bonnie Jean Ueltzen

Action required: Board resolution

Proposed Resolution: The Board appoints the committees as listed on the July 3rd, 2019 Open Session Agenda.

b. Change to Architectural Guidelines Section 9 Front Door

The Architectural Review Committee recommends adding the following note to Section 9 of the Architectural Guidelines:

“Note: For a front door within a fenced patio area (Models 2200 and 2300), where the front door is largely obscured from the common area, front doors other than a solid type may be considered.”

Action required: Discussion and possible resolution

Proposed Resolution: The Board approves the addition of the note to Section 9 Front Doors to the guidelines as written.

X. HOMEOWNER COMMENTS

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XI. NEXT MEETING: Wednesday, August 5, 2020 at 5:30 pm in the Nepenthe Clubhouse

XII. ADJOURN

NEPENTHE ARCHITECTURAL COMMITTEE MINUTES

Tuesday, June 9, 2020 at 5:30 pm conducted via videoconferencing

Members present: Jenny Smith, chair; Alan Watters, Lee Blachowicz, Ken Luttrell, Steve Farrar.

Also Present: Jan Summers, Nepenthe Board Liaison; Christina Romero, Asst. Nepenthe General Manager

Meeting was convened at 5:35 pm.

A. Welcome and Opening Remarks. None.

B.1. Homeowner requests not voted on: none.

B.2. Homeowner Requests Recommended to be Approved: (With conditions if so noted.) (All votes unanimous unless otherwise noted.)

1. **2267 Swarthmore Drive** – Security lighting requested in this 2000 model: Install an outdoor lamp on the garage wall over house number plate (*Guidelines* Section 5.b.) in this 2000 model: The homeowner has requested a less expensive lamp than that in the *Guidelines*: a \$139 Home Depot-available lamp that is rectilinear in design and in a dark bronze color:
https://www.homedepot.com/p/WAC-Lighting-Block-6-in-Bronze-Integrated-LED-Outdoor-Wall-Sconce-3000K-WS-W61806-BZ/313126377?MERCH=REC-_pip_alternatives_-313126546_-313126377_-N The committee agreed to approve this lamp. **Approval Recommended.**
2. **1170 Vanderbilt Way** – Awning installation in this 3000 model: Install a 13-foot-wide, extending 10 feet, motorized SunSetter Platinum Series awning, mounted over the kitchen window and extending into the innermost corner of the fenced-in backyard. The committee opted for the applicant's second choice in Sunbrella fabric, #4859 Silica Dune, a solid tan shade. It would appear that the first choice, a white, gray and black stripe, does not meet the criterion of having a tan/beige color component. The contractor is to be The Bast Awning Company, of Auburn, CA. **Approval Recommended.**
3. **1121 Commons Drive** – Windows replacement in this 1384 model: replace only the kitchen sliding door with a Milgard Ultra Series (fiberglass material) sliding door in color black ("Black Bean"). Black is the best and closest color choice. The contractor is to be Dick's Rancho Glass. **Approval Recommended.**

B.2.A. Homeowner Requests Approved via Emergency Approvals:

1. **509 Dunbarton Circle** – HVAC replacement in this 4400 model: Replace existing system with new 3.5 ton, 16-S.E.E.R. American Standard split system gas furnace and air conditioner. The refrigerant line set will be reused; the new outdoor

compressor will be located in its original location. The contractor is to be Clarke & Rush. **Emergency Approval Granted on June 9, 2020.**

B.3. Homeowner Requests Not Approved: none.

C. Approval of Minutes: done via email.

D. Reviewed Non-Compliance Notices from Homeowners: 2249 Swarthmore discussed; Jenny will sign it. Notices of Completion are being received now via email.

F. Old Business:

1. 1026 Vanderbilt Way – HVAC application is not going forward at this time? No.
2. Section 9 modification of Patio homes' front door proposed revision:

“Note: For a front door within a fenced patio area (Models 2200 and 2300), where the front door is largely obscured from the common area, front doors other than a solid type may be considered.” Committee voted to Adopt this change.

G. New Business:

Last month's 502 Dunbarton HVAC Installation resulting in conduit run down siding: the installation was discussed and the committee judged it an architectural violation.

H. Next meeting. Next regular meeting on Tuesday, July 14, 2020, at 5:30 pm in the Clubhouse.

Meeting adjourned at 6:30 pm.

Respectfully submitted, Alan Watters, A.R.C. secretary

Nepenthe 2020
Reserve Tracker Report

GL Number	Reserve Component	2020 Beginning Balance	2020 Reserve Funding	Year to Date Expense	Current Balance with 2020 Reserve Funding	2020 Allocations*	Year to Date Expense	2020 Allocation Balance
22872	14000 - Recreation	20,463.06	3,744.00	-	24,207.06	630	-	630
22960	03500 Painting: Interior	13,977.18	2,535.00	-	16,512.18	3,822	-	3,822
23014	02000 Concrete	54,079.73	24,919.00	5,033	73,965.75	65,639	5,033	60,606
23103	Reserve Interest	0.00			-		-	-
23120	05000 - Roofing	3,991,665.67	835,166.00	54,886	4,771,945.67	46,490	54,886	(8,396)
23122	12000 - Pool & 13000 - Spa	183,733.77	43,461.00	2,045	225,149.77	16,300	2,045	14,255
23127	19000 - Fencing	292,157.42	73,018.00	9,490	355,685.49	77,973	9,490	68,483
23133	18000/100-115 - Landscaping-Irrigation	237,873.84	92,475.00	11,298	319,050.58	130,223	11,298	118,925
23146	21000 - Signage	36,269.24	4,345.00	-	40,614.24	6,829	-	6,829
23178	01000 Paving	861,576.92	149,240.00	-	1,010,816.92	10,250	-	10,250
23199	31000 - Reserve Study	3,844.72	2,010.00	-	5,854.72	615	-	615
L23133	26000 - Outdoor Equipment/Benches	239.73	63.00	-	302.73		-	-
L23135	03000 Painting: Exterior	651,759.38	176,362.00	-	828,121.38	32,149	-	32,149
15759	04000 - Structural Repairs	1,353,845.90	452,959.00	-	1,806,804.90	134,961	-	134,961
N22912	23000 - Mechanical Equip	76,407.67	5,402.00	-	81,809.67	1,891	-	1,891
N22991	20000 - Lighting	16,793.66	7,957.00	7,030	17,720.66	11,314	7,030	4,284
N23017	08000 - Rehab, 22000 - Office Equipment, 24000 - Furnishings, 24600 - Safety / Access, 25000 - Flooring, 27000 - Appliances	227,999.05	38,458.00	4,265	262,192.05	-	4,265	(4,265)
N23130	32000 - Undesignated	6,425.54	2,932.00	-	9,357.54	7,880	-	7,880
N23274	17000 - Tennis Court	122,359.25	13,391.00	-	135,750.25		-	-
N23275	18000/120-144 - Landscaping-Plantings	142,087.62	64,846.00	78,659	128,275.12	174,250	78,659	95,592
N23282	18000/160 - Landscaping-Trees	168,690.83	150,218.00	18,661	300,247.58	206,875	18,661	188,214
N22911	30000 - Miscellaneous / Underground Utilities	92,898.80	35,971.00	17,083	111,787.25	81,783	17,083	64,700
Totals		\$8,555,149	\$2,179,472	\$208,449	\$10,526,172	\$ 1,009,874.00	\$ 208,449.47	\$ 801,424.53

Estimated Ending Reserve Balance Per Study

9,953,246

*Projected expenditures per the adopted Reserve Study for 2020

Updated:

7/1/2020



Nepenthe Association

Management Report – July 1, 2020

1 COMMUNICATION

- 1.1 **THE NEPENTHE NEWS WAS LAST PUBLISHED ON JUNE 5, 2020. THE NEXT NEWSLETTER WILL BE PUBLISHED ON JULY 2, 2020. TOPICS TO BE COVERED INCLUDE:**
- Cash Flow Report
 - Landscape Update
 - Parking Reminders
 - Useful City of Sacramento Smartphone Apps
 - Pertinent COVID-19 information
- 1.2 **WEBSITE:**
- Website, www.NepentheHOA.com, is up to date and complete.

2 ADMINISTRATION

- 2.1.1 **Possible Insurance Claim:** Management received a call Tuesday, June 24th from Farmers claim investigator, Alex Kond, looking into a claim from AAA whose insured client's car was damaged by a limb drop while parked at 818 Elmhurst on June 5. Per his request, I checked our work orders and could find no work orders issued for tree limb cleanup in that area. I also provided records of our tree care history and the CC&Rs per his request. If I hear more, I will inform the directors.
- 2.1.2 **Resident Registration-** This ongoing effort has concluded in Zone 1 and is in process for Zone 2. Most residents readily comply with the annual request for the Resident Information Form. There are a few non-compliant owners in Zone 1. We will keep the Board apprised.

3 FACILITIES

- 3.1.1 **Fencing and Siding Repairs –** There are no siding repairs in progress at this time. Two fence repairs are on the executive agenda for approval-1000 Dunbarton and 1229 Vanderbilt. There are other homes where repairs were requested by homeowners that are currently under evaluation. The handyman will perform inspection and depending upon their condition, proposals may be sought. Additionally, I occasionally see fences in very poor condition while I am on landscape walks. Those also go to the handyman for inspection and necessary follow up.
- 3.1.2 **Janitorial Service –** Custom Care Cleaning, our janitorial service, has performed its nightly cleaning service for the month of June. Standing hand sanitizing stations are on back order for the three

pool centers.

3.1.3 **Pools** – The two satellite pools (Dunbarton and Elmhurst) opened on Monday, June 22 with the following protocols:

Most importantly, if you're not feeling well, stay home!

Maintain physical distancing while at the pool.

Pools will be open from 7am – 8pm daily.

Households wishing to swim will use the dated signup sheet located at the gate entrance to the pool.

There will be only one gate in use providing access to each of the pools. This is the gate with the sign-up sheet.

Only two households per hour will be allowed per pool. Swimming periods begin at the beginning of the hour. Each residence will be allowed to sign up for 1 hour of use – (maximum number of persons per household to be in the pool area is 4).

No pool toys or chairs are to be brought into pool area (except for small safety floats, i.e., blow-up type for arms).

There will be no bathroom access. Be sure to use the restroom prior to your scheduled pool use.

Spas will remain closed and are not to be used.

Please do not move the stanchions with the yellow “tape.” dividing the pools. Each household using the pool will need to stay within the limits of one of the preset areas.

3.1.4 **Tennis Courts** – I emailed Bruce Sheldon at Tennis Court Specialties to obtain the following information about the clubhouse courts:

1. The condition of our courts currently
2. His recommendations for necessary work.
3. Pricing for the recommendations.

Once the Board has this information further decisions about all the tennis courts can be made.

3.1.5 **Clubhouse**

3.1.5.1 **Operations** – *Following strict protocols for offices, the clubhouse opened on June 15.*

Hours: 9:00am to 6:00pm, Monday through Friday

Face coverings will be required as will maintaining 6' physical distance from other homeowners and staff members.

Restrooms will remain closed.

The kitchen will be closed and there will be no communal food, including coffee.

The fitness center will remain closed.

3.1.5.2 *Repairs – I received a report from JWS on the afternoon of June 25: “As of yesterday, our current projection is that the siding will be complete by Tuesday, June 30. We will schedule painters to immediately follow to bring the job to 100% completion.”*

3.1.5.3 *Rentals – All rentals have been cancelled or postponed in light of the pandemic.*

4 GROUNDNS

4.1 LANDSCAPE

4.1.1 The focus for the Coast Landscape crew over the last four weeks has been shrub pruning and optimizing irrigation in addition to regular services.

4.1.2 Management, the Grounds Chair and liaison and David Culbertson, the Coast Account Manager met weekly to review open work orders. Homeowner landscape issues and basic work processes are also discussed at this weekly meeting. The meeting minutes are available to any director wishing to review them.

4.1.3 Work for approved proposals in zones 4, 5, 6 and 1 are in progress. There have been some supply issues due to the pandemic and work was delayed while getting the shrub pruning completed.

4.1.4 Zone 1 drip irrigation project is complete and the association received the rebate check from the City of Sacramento in the amount of \$26,682.00 which was mailed to Irvine for deposit to the Reserves on June 8th.

4.1.5 Coast has been preparing budget estimates to improve the turf in Nepenthe through better irrigation distribution and seeding. The estimates will be provided to Browning Reserve Group for addition to the reserve study.

4.1.6 Weekly Zone Walks took place on the following dates in June:

- June 5, Zone 7 Tree walk. Attending: Zone 7 Steward, Grounds Chair, Arborist Paul Dubois, The Grove Total Tree Care
- June 12, Zone 1. Attending: Zone 1 Steward, Grounds Chair, GM, David Culbertson, Coast Landscape
- June 19, Zone 2 (Zone steward was unable to attend, but Chair, GM and Coast team (David Culbertson and Juan Reyes) met to review irrigation needs in the large greenbelt on Commons/Vanderbilt.
- June 26, Zone 3

4.2 **TREE MAINTENANCE**

- 4.2.1 **Tree Walks** – Monthly tree walks to evaluate the overall health of the forest and to monitor the growth patterns of new plantings for 2020 continued in Zone 7 on June 5.
- 4.2.2 **Proposed Tree Work**- The Grounds Committee will review the Zone 7 report and proposal at their July 16 meeting and make a recommendation to the Board for the August 5 meeting.
- 4.2.3 **Annual Maintenance Pruning** –Has been completed.

5 FINANCIAL

5.1 **2019 ANNUAL FINANCIAL REVIEW**

The draft has been received and the Letter of Representation signed by the manager and the treasurer. The final review will be mailed to the homeowners in the next week or so.

5.2 **MAY 2020 FINANCIALS**

The financials are provided under separate packet for review. Management has prepared a report on the reserve spending which is included in the Board packet. Per California civil code, the Board reviews and accepts the financials monthly.

6 GOVERNANCE

6.1 **COURTESY PATROL**

Reports are reviewed by management daily, recapping the rounds and interactions of the officers on duty.

6.2 **NON-COMPLIANCE NOTICES**

6.2.1 Courtesy notices have been sent to owners and tenants for the following items:

Violation Categories/Sub-Categories	Count
Architectural Modification-Not Approved	1
Common Area-Damage	1
Garage-Improper Garage Use	1
Landscaping-Other	1
Landscaping-Trim Trees	8
Miscellaneous Items-Remove from View	1
Resident Registration	16
Paint-Clean and Paint	1

Parking-Improperly Parked	4
Parking-No Street Parking	1
Pets-Clean Up after Pet	1
Rental of Property-Documentation Required	1
Trash-Remove Debris	1
Window Coverings-Material Not Allowed	1
Total:	39

Cc: Judy <[redacted]>
Subject: My concerns...for Bettsi and the board.

Hi, I have lived here for 34 years and love my home and Campus Commons/Nepenthe. I know Coast is trying and has improved from the beginning on some things but... if your home is on the street at least Elmhurst and Dunbarton there is an unacceptable and unbelievable amount of dirt that goes very high into the air and doesn't get swept up it simply becomes airborne and goes into the patios every time the blowers come. The reason this seems to happen is the blowers are so strong and the round opening of the blower hits the dirt so strong that it becomes a dirt cloud and goes straight up in the air and continues into the patios. So the dirt is moved to the grass, to the bushes, then over the fence and into the patios (and pools which we happen to have)and of course hits the windows besides. I just simply don't ever remember it being like this!

The other thing that happens that bring huge amounts of dirt into the air is when Coast comes along with the machine that sucks up the stuff (leaves during the fall) on the street and goes into a long hose into a truck there doesn't appear to be a sealed area of the hose in so it sucks it up and then blows it out high and again horrible amounts of dirt in the air! I also believe that they perhaps have the noisiest machines and any company we've ever used.

I also believe that Coast is not pruning the bushes enough and so they progressively get higher and thicker and wider! Some bushes we have are now trees. I am only sorry that I have not taken a video of all that I have said above. Today I am again watch the dirt clowm come toward me and went outside and watch the movement of the dirt as it moved onto the homes but the Pineneedles move down the street... so when the young man was finished they were just needles to pick up no dirt. I guess I wouldn't mind if dirt was going onto the grass but I mine that it goes up so high that it's airborne and coming right at you huge amounts!!

Coast also needs to spray the hedges and some bushes more for spiders...many webs and a neighbor at 505 Elmhurst has killed many black widow spiders in the hedge by the garage. I too have a low hedge that keeps getting taller 😞 filled with webs now. Thank you for looking into this.

Judy Brewington.... 509 Elmhurst Circle.. [redacted]

PS...there is a [redacted]
[redacted] Thank you again!

Sent from my iPad

Bettsi Ledesma

From: Bettsi Ledesma
Sent: Thursday, June 18, 2020 8:59 AM
To: Judith Brewington; Linda Cook
Cc: Huffman Steve; Christina George
Subject: RE: My concerns...for Bettsi and the board.

Hi Judy,

Thank you for your email. It sounds like they have the setting too high on the blowers and that is definitely something we can address. I really appreciate you highlighting this issue.

As far as the leaf vacuum, I will talk to the folks at Coast to see if there is anything that can be done there. One of the downsides of living in a forest is that a lot of pollen and dust is trapped in the trees and when the leaves fall, it all comes down. 34 years ago, when you moved in, the forest looked much different. I'm sure you've seen how many man hours it takes to clean up the leaf drop even with the vacuum. It's almost impossible to imagine the labor cost if we didn't have the heavy equipment. I know that is unfortunate to hear and I would love to find a cleaner, quieter solution.

You are not incorrect when you say that Coast is having trouble keeping up with the pruning. This is our current manager's first spring with Nepenthe and he was unprepared for how fast and thick our shrubbery would grow. He has been working hard to get this task caught up and to create a better plan for the future. This is a topic that we have covered at some length in our Tuesday Landscape Status Meetings. The attendees at that meeting are Christina George, Board president and liaison to the Grounds Committee, Steve Huffman, the Grounds Committee Chair, David Culbertson, the Coast Manager and me. I've copied both Christina and Steve on this email and all the directors will see your letter in their next Board packet. (I will keep [REDACTED] private).

Again, thank you. We need to hear from the people who are impacted by the work here and to understand what it is to experience it from your eyes. I am hopeful that we can mitigate some of the problems.

Kind regards,

BETTSI LEDESMA, CMCA®
General Manager, Nepenthe Association
1131 Commons Drive | Sacramento, CA 95825 Office 916-929-8380 | Toll Free 800.428.5588 Email
bettsi.ledesma@fsresidential.com

www.nepenthehoa.com
www.fsresidential.com

Follow us on | Facebook | Twitter | LinkedIn | YouTube GLOBAL SERVICE STANDARD We seek honest and timely feedback on how to continuously improve the quality of our service and ourselves. Please take a moment to let my supervisor Michael Marshall know how I am doing at 916-293-4749 or email Michael.Marshall@fsresidential.com .

-----Original Message-----

From: Judith Brewington [mailto:[REDACTED]]
Sent: Wednesday, June 17, 2020 3:46 PM
To: Bettsi Ledesma <Bettsi.Ledesma@fsresidential.com>; Linda Cook <linda_cook@att.net>



**NEPENTHE ASSOCIATION
BOARD OF DIRECTORS MEETING**

May 27, 2020, 5:00 PM

Nepenthe Clubhouse | 1131 Commons Drive | Sacramento, CA 95825

**OPEN SESSION MINUTES
D R A F T**

I. CALL TO ORDER 5:04 PM

Present	Board Member	Position
X	Christina George	President
X	Linda Cook	Vice President
X	Will Vizzard	Treasurer
X	Jan Summers	Secretary
X	Greg Beale	Member at Large

II. CLOSE THE POLLS

The Directors closed the polls so the Inspectors of Election could count the ballots.

III. ANNOUNCEMENTS

- a. **Executive Session Disclosure:** In accordance with Civil Code Section 4935(a), the Board met in Executive Session on May 6 and May 18, 2020 to consider legal matters and member discipline.

IV. COMMITTEE REPORTS

- a. Architectural Review Committee- Minutes were received from the committee
- b. Finance Committee (no report)
- c. Grounds Committee – Minutes were received from the committee
- d. Insurance, Legal and Safety Committee (no report)
- e. Outreach Committee (no report)

V. MANAGEMENT REPORT – The following reports were provided to the Board in their advance materials:

- a. Manager’s Financial Report - Reserve Tracker
- b. April and May Nepenthe News
- c. 2020 Master Calendar Update
- d. Landscape Status Meeting Minutes

VI. HOMEOWNER CORRESPONDENCE was reviewed by the Directors.

VII. HOMEOWNER COMMENTS

A few homeowners provided commentary on the agenda and the state of the community overall.

VIII. CONSENT CALENDAR

Resolution: The Board approves Consent Calendar Items A and B as presented

Motion: Greg Beale

Second: Linda Cook

Vote: All in favor

Begin Consent Calendar

a. Approval of Minutes April 8, 2020 Open Session Minutes

The Open Session minutes dated April 8, 2020 are approved as presented.

b. Financial Statement: March 2020 and April 2020

The Board accepts the March and April 2020 interim financial reports and bank reconciliations as presented, subject to annual review. The reports reflect a positive year to date variance of \$82,084.08 and reserve funding of \$642,120.11 compared to the reserve funding budget of \$726,492. The Association has \$427,825.23 in operating funds, which represents 1.38 months of budgeted expenses and reserve contributions. The association has \$8,818,915.06 in reserve funds.

The following items were considered and acted upon separately:

c. Lien Resolution

Resolution: The Board approves Lien Resolution with correction to account number 2228-01

Motion: Linda Cook

Second: Will Vizzard

Vote: All in favor

Account Number	Past Due Amount
1946-01	\$1,038
2112-04	\$1,038
2389-02 2228-01	\$1,038

d. Architectural Applications

The Directors reviewed the window application for 615 Dunbarton separately from the other applications. They consulted with the ARC representative attending the meeting and also noted that they had received an appeal of the ARC’s decision from the homeowner. The discussed the appeal request.

Resolution: The Board agrees to uphold ARC recommendation to deny the window request for 615 Dunbarton Circle, thereby denying the homeowner’s appeal.

Motion: Linda Cook

Second: Greg Beale

Vote: All in favor

Resolution: The Board confirms the recommendations of the committee for items 1-9 as noted on the table below.

Motion: Will Vizzard

Second: Linda Cook

Vote: All in favor

	<i>Address</i>	<i>Application for</i>	<i>Recommendation</i>
1	2249 Swarthmore	Window Replacements	Approval
2	200 Dunbarton	Window Replacements	Approval
3	2232 Swarthmore	Solatube	Approval
4	1026 Vanderbilt	Window Replacements	Approval w/ Cond
5	1384 Commons	Window Replacements	Approval
6	27 Adelphi	Window Replacements	Approval
7	1653 University	Fence Alteration	Approval
8	502 Dunbarton	HVAC Replacement	Emergency Approval
9	2328 Swarthmore	HVAC Replacement	Emergency Approval
10	615 Dunbarton	Creation of two new windows	Approval not recommended

<i>End Consent Calendar</i>

IX. UNFINISHED BUSINESS - None

X. NEW BUSINESS

- a. **Discuss installation of Bocce Ball court at the site of the current Elmhurst tennis courts.**

Some time ago a homeowner requested that the Board discuss the possibility of installing a Bocce Ball court. Manager reported on meetings with Tuff Grass and Red Leaf Development. Price range can run from \$10,000 to \$60,000 depending on scope of work.

The Board directs management to solicit member input to gauge the interest for future discussion.

- b. **Discuss condition of the three tennis centers in the community**

The directors reviewed photos of the courts and discussed possible next actions.

The Board directs management to obtain proposal and report from Bruce Sheldon of Tennis Court Specialties.

c. **Review and adopt Grounds Committee Member Duties**

The Grounds Chair and the manager have worked together to create the enclosed Member Duties for the Grounds Committee. The committee reviewed the document at their May 21 meeting and recommend it for Board adoption.

Resolution: The Board approves the Nepenthe Association Grounds Committee Member Duties as presented.

Motion: Linda Cook

Second: Greg Beale

Vote: All in favor

d. **Review Zone 2 Tree Report and authorize work as proposed**

On April 15th, Paul Dubois from The Grove Total Tree Care walked Zone 2. Various maintenance items were noted and eight trees are recommended for removal.

Three of the trees are in Zone 3 and were on a prior report. The Grounds Committee had asked to have those trees pulled from the proposal in April 2019 to allow them time for more review. They have since voted to recommend their removal as well as all other work noted on the proposal from The Grove Total Tree Care.

Resolution: The Board approves the proposals from The Grove Total Tree Care in the amount of \$15,798 (\$11,408 for Zone 2 and \$4,390 for Liquidambar in Zone 3) payable from Reserve GL N23282 for Trees which has a remaining allocation for 2020 of \$189,881.

Motion: Will Vizzard

Second: Linda Cook

Vote: All in favor

XI. HOMEOWNER COMMENTS

No homeowners addressed the Board at this time.

XII. REPORT OF THE INSPECTORS OF ELECTION (Signed copy is on file with the ballots)

The following three Inspectors of Election were duly appointed at the February 5th Open Session of the Board of Directors of Nepenthe Association.

We, the duly appointed Inspectors of Elections at the Annual Meeting of the Nepenthe Association, a California nonprofit mutual benefit corporation, held on May 27, 2020 do hereby report as follows:

The number of Members in good standing and entitled to vote on matters reported below at the Annual Meeting was 590.

We determined that a quorum was obtained, which is 148.

There were present, by ballot and proxy, at said meeting 257 Members.

We reviewed the registration and all Proxies and Ballots.

We determined the authenticity, validity, and effect of each Proxy and Ballot.

We determined all challenges and questions in anyway arising in connection with the right to vote.

We determined that 10 Ballots were invalid.

We counted and tabulated all votes as follows:

<u>Names of Candidates</u>	<u>Number of Votes Cast</u>
Linda Cook	161
Mary Gray	139
Liza Tafoya	132
Jan Summers	22

The two candidates receiving the highest number of votes are as follows and will serve 2-year terms until their successors are elected at the 2022 Annual Meeting.

Names of Elected Directors

Linda Cook
Mary Gray

The results of the vote to apply any excess funds to the next year's assessments pursuant to IRS Revenue Ruling 70-604, are as follows:

207 For 1 Against 10 Abstain

The Minutes for the 2019 Annual Meeting were approved/not approved as follows:

191 Approve 0 Not Approve 10 Abstain

XI. NEXT MEETING: Wednesday, July 1, 2020 at 5:30 pm in the Nepenthe Clubhouse

XII. ADJOURN 6:01 PM

NEPENTHE

June 17, 2020

WHEREAS, Section 5673 of the California Civil Code requires that, the decision to record a lien for delinquent assessments shall be made only by the Board of Directors of the association and may not be delegated to an agent of the association; and

WHEREAS, Section 5660 of the California Civil Code requires that a warning letter be sent by certified mail to the owner of record at least 45 days prior to recording a lien; and

WHEREAS, the Association has sent this letter and the 45 days has or will soon expire; and

WHEREAS, as of the date of this report payment has not been received to pay the delinquent assessment amount on the property listed below

NOW THEREFORE BE IT RESOLVED that the Board of Directors approves by a majority vote of the board members present at a duly called open meeting for FirstService Residential to record a lien on the separate interests/accounts listed below on behalf of the association and to mail a copy of the recorded lien to all known owners and addresses once the 45 days has elapsed from the mailing of the warning letter and no payment has been received.

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment
05/14/20	1946-01	\$2,074.82	\$1,557.00			
05/14/20	2228-01	\$1,943.79	\$1,557.00			

Deferred Items from prior meeting

Date	Account No.	Total Amt Due	Past Due Assessment Only	Approved	Denied	Comment

Any two (2) Board members must sign:

By: _____ Date: _____

By: _____ Date: _____